

AN ORDINANCE amending Chapter 70 of the Uniform Building Code, 1967 Edition, relating to Grading and Filling, as adopted by Resolution 34643, January 8, 1968, and governing the regulations of, and establishing fees for all gravel pits, land fills, cutting - filling, dumping and quarrying and mining operations within King County.

SECTIONS:

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- 7002 - Definitions
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BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

Section 7001. Purpose and police power. This (~~Resolution~~) Ordinance is intended to regulate grading on private property, including excavation and filling, so that adjacent property will not be endangered and that hazards to life, limb or property will be eliminated or minimized; and so that grading projects will not be inconsistent with the Zoning Code Resolution or with the comprehensive plan of the County; and is declared to be an exercise of the police power of the County of King to promote the public health, safety and welfare, and its provisions shall be liberally construed for the accomplishment of that purpose.

Section 7002. Definitions. Words and phrases used herein, unless the same be contrary to or inconsistent with

1 the context, shall mean as follows:

2 "BUILDING PERMIT" means a permit required by the  
3 Building Code of the County of King.

4 "DIRECTOR, DEPARTMENT OF BUILDING, PLANNING, PUBLIC  
5 WORKS" means Director or his duly authorized agent.

6 "EXCAVATION" means any act by which earth, sand, gravel,  
7 rock or similar material is cut into, dug, quarried, uncovered,  
8 removed, displaced, relocated or bulldozed.

9 "FILL" means any act by which earth, sand, gravel, rock  
10 or similar material is deposited, placed, pushed, pulled, or trans-  
11 ported to a place other than the place from which it was excavated.

12 "GRADING" means excavation or fill or any combination  
13 thereof.

14 "GRADING PERMIT" means a permit required by this chapter.

15 "MINOR SUBDIVISION" means dividing of land into four or  
16 less lots.

17 "NON-RESIDENTIAL ZONE" means any property designated  
18 on the USE MAP of the County Zoning Code as Business District,  
19 Commercial District, Manufacturing District, or Industrial  
20 District.

21 "RESIDENTIAL ZONE" means any property designated on  
22 the USE MAP of the County Zoning Code as Single-Family Dwelling  
23 classification, Two Family Dwelling classification, or Multiple  
24 Family Dwelling classification.

25 "SITE" means one lot or a group of lots which are  
26 contiguous except that a public street or way may intervene.

27 "SHORELANDS" means land between the normal high water  
28 mark and the line of navigable waters.

29 "TIDELANDS" means that portion of the land which is  
30 covered and uncovered by the ebb and flood tide.

31 "REMOTE AREA" means a rural area on which a surface  
32 mining site is not visible from any state highway, county road, or  
33 any public street or highway, or, if visible, it is more than one  
(1) mile away from the point on such road from which it is visible.

1 Section 7003. Scope and exceptions. It shall be  
2 unlawful to perform any grading in one or more operations of more  
3 than five hundred (500) cubic yards of earth or (~~similar~~) other  
4 material on a single site (~~that includes~~) or any excavation  
5 exceeding five (5) feet in vertical depth, or any fill exceeding  
6 three (3) feet in vertical depth unless authorized by a grading  
7 permit issued in accordance with this chapter, with the following  
8 exceptions:

9 (a) Any excavation incident to a building or other  
10 structure authorized by a building permit.

11 (b) The depositing or covering of any garbage, rubbish,  
12 or other material at any dump operated by the County of King.

13 ((c) ~~The excavation of natural deposits from a pit or~~  
14 ~~quarry when in accordance with the provisions of the Zoning Code~~  
15 ~~of County of King or other applicable ordinance.~~)

16 (c) Any excavation or removal of sand, gravel, clay,  
17 rock or other materials in remote areas by an owner or holder  
18 of a possessory interest in land for the primary purpose of  
19 construction or maintenance of access roads to or on such  
20 landowner's property.

21 (d) Any grading within a (~~public~~) publicly owned  
22 right of way or property; proposed subdivision roads which  
23 have been approved as minor subdivisions, or as a final plat or  
24 grading and draining plans any of which have been approved by  
25 the Director, Department of Public Works, or work incidental  
26 thereto, when authorized by (~~resolution~~) statute or permit of the  
27 (County Engineer) State and/or local regulatory agency.

28 Provided, a grading permit must be secured in accordance  
29 with this chapter for any fill in whole or in part on any tide-  
30 lands or shorelands.

31 (e) Maintenance or reconstruction of the facilities  
32 of a common carrier by rail in interstate commerce within its  
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1 existing right of way provided restoration requirements will be  
2 governed by the QM Section of the King County Zoning Code.

3 (f) The 500 yard factor shall not apply to  
4 residential plats.

5 NEW SECTION Section 7003.2. Conditions, standards of  
6 performance, and land rehabilitation. All operations controlled  
7 by this Ordinance shall be subject to the standards of performance  
8 (Sec. 24.42.040) and land rehabilitation requirements (Sec.  
9 24.42.20) of the QM Chapter 24.42 of the King County Zoning Code,  
10 Resolution 25789.

11 Section 7003.5. Shorelands and tidelands. Any fill  
12 constructed upon shorelands and tidelands shall be contained  
13 within private property by (~~bulkheads~~) an adequate retaining  
14 structure constructed hereon so as to prevent adverse effects  
15 upon other lands beneath the water and the design and construction  
16 of such (~~bulkheads~~) an adequate retaining structure shall be  
17 subject to approval by the Director, Department of Building(s)  
18 provided the Director, Department of Building, may waive the  
19 above (~~bulkhead~~) adequate retaining structure requirement upon a  
20 showing, supported by adequate engineering data, that such  
21 (~~bulkheads~~) an adequate retaining structure (~~are~~) is not  
22 necessary to such containment. No grading permit shall be issued  
23 to fill upon shorelands unless the applicant shall have filed  
24 with the Director, Department of Building(s), a bond in an amount  
25 determined by said Director, Department of Building to be  
26 sufficient to provide for the correction of any adverse effects  
27 upon public or private property from such filling which may occur  
28 within (~~three~~) one year(s) from the date of such filling. No  
29 grading permit shall be issued to fill upon shorelands or tide-  
30 lands until approved by the appropriate Federal and/or State  
31 authority. No grading permit shall be issued for or authorize  
32 any filling beyond the shorelands.  
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1 NEW SECTION Section 7004. (Retaining walls - when-  
2 required. Retaining walls or cribbing shall be used wherever  
3 the forces tending to cause failure along any potential slide  
4 surface in the earth mass behind the face of an excavation or of  
5 an earth-fill, amount to more than two-thirds of the total of-  
6 forces for resistance to sliding, in order to protect all ad-  
7 joining-property from encroachment by a fill or from danger of  
8 collapse due to an excavation. Lateral stability. Slopes will  
9 be designed to provide lateral stability to adjacent property.  
10 Consideration shall be given to the prevailing conditions of  
11 soil, ground water and to existing and potential legal surcharge  
12 on adjacent property. If in the opinion of the Director,  
13 Department of Building(s), the slopes of an excavation or earth  
14 fill are too steep to provide adequate lateral stability the  
15 permittee will either:

- 16 1. Construct retaining walls or cribbing of approved  
17 design or,
- 18 2. Supply an affidavit from an accredited soils  
19 engineer stating that in his opinion lateral stability of the  
20 slope would be maintained.

21 Section 7005. Drainage. (Adequate) Provisions shall  
22 be made to prevent (any) surface water or seepage from damaging  
23 the cut face of any excavation or the sloping face of a fill.  
24 Provisions shall be made to carry to the nearest practicable  
25 street, or storm sewer, or natural water course approved by the  
26 (~~County Engineer~~) Director, Department of Public Works, any  
27 surface waters that are or might be concentrated as a result of  
28 a fill or excavation.

29 Section 7006, Application for permits. Application  
30 for a grading permit required by Section 7003 shall be made  
31 in writing to the Director, Department of Building(s), on form  
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1 provided therefor. Each application shall be signed by the owner,  
2 lessee, or his authorized agent. There shall also be filed with  
3 such application two (2) sets of drawings fully describing the  
4 intent and nature of the work for which the permit is desired.  
5 They shall also show the locations of necessary retaining walls,  
6 drainage structures, cribbing, and the surface protection.  
7 Drawings shall be prepared by or under the direction of a  
8 registered civil engineer or land surveyor licensed to practice  
9 in the State of Washington (~~provided, however, that any owner who~~  
10 ~~is capable of making drawings which will illustrate the proposed~~  
11 ~~work adequately may prepare the required drawings.~~) A topographic  
12 map showing the present contours of the land and the proposed  
13 contours after completion of the proposed grading shall be filed  
14 with any application that requires referral by Section 7007 and  
15 may be required with any application if the Director, Department  
16 of Building(s) deems it necessary to fully describe the nature  
17 and extent of the work.

18 No grading permit shall be issued for any residential  
19 development until such time a minor subdivision, a final plat,  
20 or a grading and draining plan shall be approved by the Director,  
21 Department of Public Works.

22 Section 7007. Referral of applications. (All-appli-  
23 cations for grading permits on property located in a Residential  
24 Zone which property abuts upon or is located directly across an  
25 alley from property in a Non-Residential Zone shall be referred  
26 by the Director of Buildings to the County Planning Commission.)  
27 Applications for grading permits that include the movement of  
28 more than (~~twenty-five hundred (2500)~~) five hundred (500) cubic  
29 yards of earth or similar material on property in a Residential  
30 Zone shall be referred to the (County Planning Commission)  
31 Director, Department of Planning and to the (County Engineer)  
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1 Director, Department of Public Works. The (County Planning  
2 Commission) Department of Planning shall determine if the  
3 proposed grading will adversely effect the character of the site  
4 for present lawful uses or with the future development of the  
5 site and adjacent properties for building or other purposes as  
6 indicated by the Comprehensive Plan and the Zoning Code  
7 Resolution. The (County Engineer) Director, Department of  
8 Public Works shall determine the effect of the intended grading  
9 upon public and private property. The (County Planning Commission)  
10 Director, Department of Planning and the (County Engineer)  
11 Director, Department of Public Works shall report their findings  
12 to the Director, Department of Building(s).

13 Section 7008. Granting of permits. After an appli-  
14 cation has been filed and the (County Planning Commission)  
15 Director, Department of Planning and the (County Engineer)  
16 Director, Department of Public Works have submitted their reports  
17 where necessary, the Director, Department of Building(s) shall  
18 ascertain whether such grading work complies with the other  
19 provisions of this chapter. If the application and plans so  
20 comply, or if they are corrected or amended so as to comply,  
21 the Director, Department of Building(s) shall issue to said  
22 applicant a grading permit including a permit placard. The  
23 permit placard shall be posted on the site of the work in a  
24 conspicuous place protected from the weather. A grading permit  
25 shall be valid for the number of days stated in the permit but  
26 in no case shall the period be more than one year, provided that  
27 when operating conditions have been met the permit shall be  
28 renewable on a yearly basis. The (County Planning Commission)  
29 Director, Department of Planning, and the (County Engineer)  
30 Director, Department of Public Works shall be notified of action  
31 on application referred under the provisions of Section 7007.  
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1 No grading permit involving flood plains and water courses shall  
 2 be issued until approved by appropriate Federal and State  
 3 agencies.

4           Upon approval of the application and issuance of the  
 5 grading permit, no work shall be done that is not provided for  
 6 in the permit. The Director, Department of Building(s) is  
 7 authorized to inspect the premises at any time to determine if  
 8 the work is in accordance with the permit application and plans.

9           The permits from the Department of Building shall be  
 10 required regardless of any permits issued by any other department  
 11 of County government who may be interested in certain aspects of  
 12 the proposed work. Where work for which a permit is required by  
 13 this Code is started or proceeded with prior to obtaining said  
 14 permit, the fees specified shall be trebled, but the payment of  
 15 such treble fees shall not relieve any persons from fully  
 16 complying with the requirements of this Code in the execution of  
 17 the work nor from any other penalties prescribed thereon.

18           Section 7009. Fees. A fee shall be collected to cover  
 19 the cost of granting the permit and of investigating, inspecting,  
 20 and exercising proper police regulations, based upon the following  
 21 schedule:

22           ((a) 500 to 2,500 cubic yards-----\$10.00

23           ((b) More than 2,500 cubic yards -----\$10.00

24           plus \$3.00 for each addition 1,000 cubic

25           yards or major portion thereof, provided,

26           such fee shall in no event exceed \$500.00.)

27           Grading and excavation fees for recorded plats:

28           \$5.00 per lot -- Minimum fee \$25.00

29           Plan check fee for gravel pits, land fills,

30           cutting-filling, dumping and quarrying and

31           mining operations based on contour maps for the

32           entire project shall be paid only once, that

33           is at the time of submission of the plans.



Minimum Fee

<u>500 to 10,000 yds</u>	<u>\$100.00</u>
<u>10,000 to 50,000 yds</u>	<u>\$200.00</u>
<u>50,000 to 100,000 yds</u>	<u>\$300.00</u>
<u>100,000 to 500,000 yds</u>	<u>\$500.00</u>
<u>Over 500,000 yds</u>	<u>\$600.00</u>

Operating Permit Fee

<u>0 to 10 acres</u>	<u>\$100.00</u>
<u>10 to 100 acres -- \$100.00 for 10 acres plus</u> <u>\$7.00 per acre for each acre over 10 acres.</u>	
<u>100 to 500 acres -- \$640.00 for 100 acres plus</u> <u>\$5.00 per acre for each acre over 100 acres.</u>	
<u>Over 500 acres -- \$2,640.00 for 500 acres plus</u> <u>\$2.00 per acre for each acre over 500 acres.</u>	

Section 7010. Enforcement. It shall be the duty of the Director, Department of Building(s) to enforce the provisions of this chapter.

Section 7011. Penalty for violations. Any violation of or failure to comply with the provisions of this chapter shall subject the offender upon conviction thereof to a fine of not exceeding two hundred fifty dollars (\$250.00) or to imprisonment for not exceeding ninety (90) days or both, and each day that such violation or failure to comply exists shall constitute a separate offense.

NEW SECTION Section 7012. Bonds required. A permit shall not be issued for more than 1000 cubic yards unless the permittee shall first post with the Director, Department of Building, a surety and/or cash bond executed by the owner and a corporate surety authorized to do business in this state as a surety. The bond shall include penalty provisions, on a form approved by counsel for the governing agency, for failure to

1 comply with the conditions of the permit.

2 Amount of bond - The permittee shall post a surety bond  
3 and/or cash bond in an amount sufficient to cover the cost of  
4 conformance with the conditions of the permit, including  
5 corrective work necessary to provide adequate drainage and to  
6 remove and eliminate geological hazards.

7 Any reclamation bonds posted with the State of  
8 Washington will satisfy the surety bond requirements insofar as  
9 they pertain to the reclamation provisions of this Ordinance.

10 A cash bond shall accompany the operating permit and  
11 may be used at the discretion of the Director, Department of  
12 Building to correct deficiencies affecting the health, safety  
13 and water pollution. The amount shall be determined by the  
14 Director, Department of Building but not in excess of one  
15 thousand dollars (\$1.000).

16 Conditions - Every bond shall include the conditions  
17 that the permittee shall:

18 1. Comply with all of the provisions of the Code,  
19 applicable laws and ordinances;

20 2. Comply with all of the terms and conditions of  
21 the permit for excavation or fill to the satisfaction of the  
22 Director, Department of Building;

23 3. Complete all of the protective work contemplated  
24 under the permit within the time limit specified in the permit.  
25 (The Director, Department of Building may, for sufficient cause,  
26 extend the time specified in the permit, but no such extension  
27 shall release the surety upon the bond.)

28 Failure to complete protective work - In the event of  
29 failure to comply with all the conditions and terms of the permit,  
30 the Director, Department of Building shall notify the permittee  
31 and the surety in writing, and failing to obtain response within  
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1 ten (10) days from the receipt of notification may order the  
2 work required by the permit to be completed to his satisfaction  
3 or perform all necessary corrective work to eliminate hazards  
4 caused by not completing the work. The surety excuting such  
5 bond or deposit shall continue to be firmly bound up to the  
6 limits of the bond under a continuing obligation the payment of  
7 all necessary costs and expenses that may be incurred or expended  
8 by the governing agency in causing any and all such required  
9 work to be done. In the case of a cash deposit, said deposit or  
10 any unused portion thereof shall be refunded to the permittee.  
11 In no event shall the liability of the surety exceed the amount  
12 stated in its bond regardless of the number of years the bond  
13 shall remain in force.

14 NEW SECTION Section 7013. Due to the time required  
15 for filing an application for an Unclassified Use Permit, the  
16 Department of Building shall be authorized to issue a temporary  
17 grading permit for existing operations only after an application  
18 for an Unclassified Use Permit has been submitted to the  
19 Department of Planning and after said grading permit has been  
20 approved by the Departments of Planning, Public Works, and  
21 Building. Said application for the Unclassified Use Permit  
22 shall be filed within thirty days of notification by the  
23 Department of Building. This authorization to issue temporary  
24 grading permits shall remain in effect for six months after  
25 adoption of this Ordinance.

26 When the Unclassified Use Permit has been granted, the  
27 regular permit fee shall be charged in addition to the temporary  
28 permit fee. Temporary fees shall be collected at the same rate  
29 as regular permit fees.


30 NEW SECTION Section 7014. Land rehabilitation. In  
31 recognition of the requirements of the Washington State  
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1 Substitute Senate Bill No. 139, which will become effective  
2 January 1, 1971, the requirements of land rehabilitation bonding  
3 and plans will be delayed until the date these are required by  
4 the State of Washington, provided that the operating permit and  
5 bond will be required from the effective date of this Ordinance.

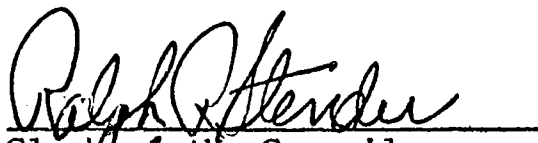
6 NEW SECTION Section 7015. Severability Clause. If  
7 any section, sub-section, paragraph, sentence, clause or phrase  
8 of this Ordinance is for any reason held to be invalid or  
9 unconstitutional, such invalidity or unconstitutionality shall  
10 not effect the validity or constitutionality of the remaining  
11 portions of this Ordinance, it being herein expressly declared  
12 that this Ordinance and each section, sub-section, paragraph,  
13 sentence, clause and phrase thereof would have been adopted  
14 irrespective of the fact that any one or more other sections,  
15 subsections, paragraphs, sentences, clauses or phrases be declared  
16 invalid or unconstitutional.

PASSED this 20<sup>th</sup> day of July, 1970

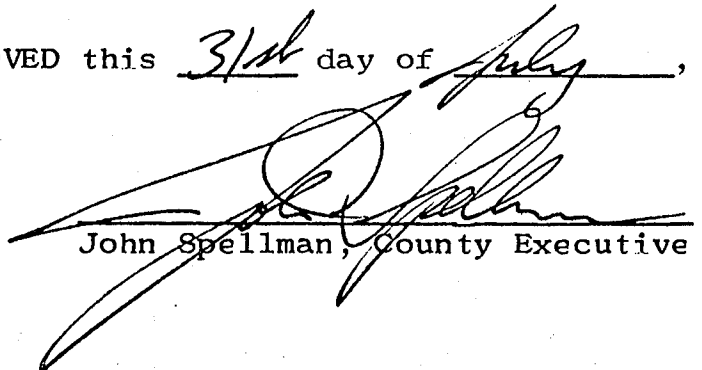
KING COUNTY COUNCIL  
KING COUNTY, WASHINGTON

  
Chairman

ATTESTED

  
Clerk of the Council

APPROVED this 31<sup>st</sup> day of July, 1970

  
John Spellman, County Executive

RLK:mw

ORDINANCE READINGS

1st.....6-1-70

2nd.....7-20-70

3rd.....7-20-70

Effective Date.....